TL 3426

Report on the 43rd Session of the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities

Geneva, 5 - 30 August 1991

By

Jose Ramos-Horta *

Introduction

I was able to attend the 43rd Session of the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities (Sub-Commission) thanks to the prompt and generous response from Community Aid Abroad (CAA) and Australian Council for Overseas Aid (ACFOA) and the Evangelical Church in Germany.

This report is divided into three parts. Part I is a brief descripton of the Sub-Commission; Part II details my work during the Sub-Commission; Part III provides an account of the way the money was spent.

Part I

The Sub-Commission: an overview

In brief, the Sub-Commission is an expert body set up by the Commission on Human Rights (CHR) comprising 26 members elected for a four-year term by CHR on the basis of geographic representation. The Sub-Commission is the main sub-organ of the CHR and acts as a think-tank by examining problems and obstacles to the realization of human rights and to situations which have been neglected or forgotten.

Its members are supposed to be independent experts who serve in their individual capacity and are not to represent their respective governments' official views. However, the selection criteria does not prevent a serving government official from being eligible, the only condition being that while serving in the Sub-Commission he/she should act independently of his/her government.

Of the 26 members in the Sub-Commission, 14 are government officials and many serve under authoritarian regimes whose views on human rights are not exactly in line with the universally-accepted norms and standards. Moreoever, the candidates are nominated by their respective governments who lobby hard in the CHR on behalf of their national. Hence, it is expected that the expert owes some loyalty to his/her government.

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* Jose Ramos-Horta was recently appointed by the Resistance leader Xanana Gusmao Special Representative of the National Council of Maubere Resistance (CNRM), a non-partisan body established in East Timor representing FRETILIN, FALINTIL (the guerrila army) and all underground youth and student bodies.

Take the cases of the Somali and Ethiopian experts. It was the dictator Siad Barre of Somalia who pushed Mr. A. Ilkahanaf's candidacy and it was the great democrat Mengistu of Ethiopia who pushed his own candidate, Mr. F. Yimer. Let's imagine, either man having an acute attack of conscience and vote on a draft resolution contrary to the wishes of either dictator. Well, they would have had to take asylum in Switzerland and be sure not to be reelected. That I know of neither man had had any sudden moral awakening so they never had to seek asylum. Of course, when Mengistu chose Mr. Yemer to be his man in the Sub-Commission, he knew he could count on Mr. Yimer to reflect his unique views and approach to human rights.

The Sub-Commission meets once a year in Geneva for a month in August. It shares its work load with three Working Groups, on Indigenous Populations (WGIP), on Contemporary Forms of Slavery and on Communications. WGIP meets for about two weeks in July before the Sub-Commission commences its work and is the most widely used forum for indigenous peoples from all over the world. However, in my view, the importance of the WGIP has been largely inflated. Obviously, if a group has no other alternative and more important forum, it might have to start from there. This has been the case of the West Papuans.

The Sub-Commission is a sort of a U.N. think-tank where most U.N. Declarations, Treaties and Conventions started life. Its main function has been in the area of standard-setting but deals also with country situations.

In spite of many constraints seen above, the Sub-Commission has established strong credibility and for this very reason it has survived harsh criticism from many quarters, chiefly the U.S. which argues that it should simply be disbanded. In this, curiously enough, the U.S. shares the same sentiments towards the Sub-Commission with Siad Barre, Mengistu and Saddan Hussein.

The expanding North and the North-South dispute

Resolutions adopted by the Sub-Commision go up to the Commission. The CHR meets every year for six weeks starting in late January till about mid March. It comprises 43 members. However, as of 1992, it will function with 10 additional new members, all being from the Third World.

The expansion of the CHR's membership was result of the pressure from the Third World for a more equitable representation.

With the accession to independence of the Baltic states and several former Soviet republics, there might be some lobby for an increase in the number of Eastern European representation which, in fact, would mean a formidable Western bloc in the CHR and, for that matter, in the the U.N. system as a whole. If we add up the European countries as a whole we'll end up with something like a bloc of 35 countries.
Until 1991, the membership in each of the five regional groups in the U.N. was as follows:

a. African states, 50;
b. Asian states, 40;
c. Eastern European states, 10;
d. Latin American and Caribbean states, 33;
e. Western European and Other States, 22 (includes the U.S., Canada and Australia).

The Eastern European group corresponded to the Warsaw Pact members, including the USSR. With the changes in Eastern Europe and Soviet Union, this group, with the addition of the tree Baltic States and possibly few others from the former Soviet Union who might join the U.N. separately, will see its power increase to 35 votes or more.

A formidable bloc stretching all the way from the Iberia Peninsula to Moscow will challenge the old automatic majority of the Third World, a Third World which is divided, indebted and weak.

While the end of the Cold War brought promises of a new era of cooperation, the reality is that the East-West confrontation gave way to a looming North-South confrontation with serious impact on the campaign for human rights world-wide. Third World dictators are closing ranks and appealing for solidarity against the rich and arrogant North. Some NGOs of the South begin to confuse between peoples of the South and regimes of the South.

For more information on the CHR and Sub-Commission, please see Annex I.

Part II

The Question of East Timor in the Sub-Commission

My presence in the Sub-Commission was motivated by a number of interrelated factors, one being the necessity to intensify the contacts with the experts to counter a certain trend among some of them who have been persuaded by Indonesia that the East Timor issue is none but a neo-colonial attempt by Portugal, an European power, to re-colonise East Timor in detriment of Indonesia's territorial integrity. In view of Portuguese firm and active stand on East Timor and the gradually increasing support from other EC members to our position, Indonesia began a subtle campaign to present East Timor as yet another example of the North's arrogance in trying to impose its "values" on the countries of the South. The ultimate irony would be if East Timor were to be a casualty of the North-South divide.

Another reason for my presence was that in view of some momentum in the U.N. in New York regarding the proposed Portuguese parliamentary mission to East Timor, the natural inclination among members of the Sub-Commission would have been not to do anything so as not to "interfere" with the mandate of the Secretary-General.

Upon arriving in Geneva, I immediately sought a meeting with a number of NGOs with direct interest on East Timor and the

Portuguese Permanent Mission, to assess the situation, discuss ideas, explore possible strategies.

One tentative conclusion was that because of a number of "positive" developments regarding East Timor, it would be impossible for us to have a resolution adopted by the Sub-Commission. One such "positive" development was the preliminary agreement in New York between the Portuguese and the Indonesians for a visit to East Timor by the Portuguese parliamentarians to take place this Fall; the second and more important development was Indonesia's invitation to the CHR's Special Rapporteur on Torture to visit Indonesia and East Timor before the end of the year.

Hence, an attempt to have a resolution voted on could be defeated simply by a "motion of non-action" moved by the ever zealous Indonesian supporter in the Sub-Commission, Mr. Ilkahanaf, the Somali expert.

The Special Rapporteur on Torture to visit East Timor

In fact in my impromptu address to the Sub-Commission under agenda item 6 (self-determination), using the time slot offered by the Paris-based "Mouvement Contre la Discrimination Raciale et pour l'Amitie entre les Peuples", I challenged the Indonesians to show their good faith by, inter alia, formally inviting the Special Rapporteur on Torture to visit East Timor.

The Indonesians responded two days later and confirmed the invitation. Though this was a first victory for us since I have been pushing for the Special Rapporteur to visit East Timor for several months now, it meant also that the Indonesians pulled the rug under our feet with this move, making it more difficult for us to mount an argument in favour of a resolution.

Statement by consensus - Setting a precedent

To test the waters, I drafted a resolution (See Annex II) and circulated it among some key experts. The draft was a comprehensive one, "very well crafted", according to the American expert, Judge William Treat. Two days later, I got the feed back and this was rather encouraging. All the Western experts, the Japanese, the latin Americans and the Algerian, were positive on this draft. We could have a majority on if it went to a vote. However, the danger of a "motion of non-action" was always present. The Somali expert could pull this trick and win. We could not risk a defeat of any sort. Better not to introduce a resolution at all than trying and being defeated.

Finally I thought about the idea of a "statement by consensus by the President". Adoption of resolutions are the normal practice in the Sub-Commission and in all other UN bodies. "Consensus Decisions" have also being used. However, there was no precedent of using the "Statement by consensus by the President" model which I knew was used in other U.N. bodies.

I sought some views and advice from the Portuguese, some veteran NGOs, key experts, including the French, Louis Joinet, Chairman of the Sub-Commission. Everyone told me that there was no precedent in the Sub-Commission for such an approach.

However, I went ahead and drafted a "Statement" and showed it to Joinet and some experts. Those I contacted were very receptive to the idea of a statement by consensus which, in their view, should be the trend in the Sub-Commision instead of confrontational resolutions. A favourable climate set in. However, Joinet told me it was up to me to work to have all the experts agree to it. Formidable task.

Step by step

The first step was to convince one of the experts to adopt the idea as his/her own and begin the painstaking negotiation process with the colleagues. I picked the Argentinian expert Leandro Despoue, a man of integrity and prestige among his colleagues. Despoue was the ideal person, being from the South with a lot of leverage over his colleagues and also highly regarded by the Western experts. For the exercise, I couldn't have chosen a better person.

It was Despoue's task to canvass support from his Third World colleagues. I had already secured the support in fact from most of them, but the most diffilcult ones - the Somali, Ethiopian and Moroccan experts - were left to him.

As the days and hours closed in on the deadline, the lobby began more frantically. A consensus statement meant also that the Indonesians had to agree to it, so I was told by Joinet. Otherwise, they would use their point man in the Sub-Commission to block it. Joinet told me that he would be prepared to push it only if I and Despoue manage to get the Indonesians to agree to the draft statement. This almost discouraged from continuing any further. How could we ever persuade the Indonesians to agree to a consensus statement on East Timor?

I moved on a few steps of a strategy I had carefully planned.

Bargain, bluff

We had now two documents circulating, the first draft for a comprehensive resolution and the draft statement by consensus by the Chairman (See Annex III). Despoue would use the first as a bargain to gain more support for the second draft and then corner the Indonesians into accpeting the second or risking antagonizing the Sub-Commission members with their hard-line stance and ending up with the stronger draft.

When I drafted the first resolution, I had in mind using it later on to show the experts how "flexible and conciliatory" I was to such an extent that I was even prepared to drop this particular one for a mild statement by consensus.

While the exercise can be summarized in the above paragraph it in fact involved many long hours of talking, negotiating, arms twisting, bluff. The Indonesians at first told no to Despoue. They would not accept anything at all. Despoue argued that they had to go along with one or the other. Finally, after several meetings, the Indonesians, having realized that a hard-line stance could backfire, finally caved in.

This paved the way for the Chairman to read the statement by consensus.

The following days, the "East Timor precedent" was invoked as a model by other groups (the Bougainvillians, without success) and even some experts (the American expert, on the Baltic states).

A first reading of the statement doesn't say much or in fact nothing at all in terms of condemnation of Indonesia's actions in East Timor. However, the fact that Indonesia was persuaded to invite the Special Rapporteur on Torture to visit Indonesia and East Timor was a sign of change in their attitude towards the U.N. and might in fact signal a more flexible attitude.

Why did I push so hard for the Special Rapporteur? Apart from the fact that the Rapporteur, Prof. Peter Kojmans, is known for his independence and integrity, his visit to East Timor soon after the projected Portuguese Parliamentary mission to East Timor might serve as a restraint on the Indonesians not to retaliate on the East Timorese after the Portuguese mission's departure.

Prof. Kojman's report, if damaging to Indonesia, could be used quite effectively in the forthcoming session of the Commission on Human Rights.

In conclusion, I would say that our work in the Sub-Commision this year was one of the most rewarding and set an important precedent. I would do injustice if I were not to mention the names of the follwoing East Timorese who contributed in many ways to the work in Geneva. They were fully involved in the strategy discussions during their stay in Geneva which varied from one to two weeks. Only one East Timorese, Alfredo Pires, was in Geneva for more than two months as an intern:

1. Alfredo Pires, from Melbourne, a graduate of the Diplomacy Training Program, who was in Geneva as an intern with the International Service for Human Rights;

2. Estevao Cabral, an East Timorse refugee student based in London, member of FRETILIN, who testified before the Sub-Commission;

3. Ligia Ximenes, an East Timorese refugee based in Lisbon who also testified;

4. Jose Luis Guterres, a member of FRETILIN CC.

Part III

Expense report

CAA and ACFOA donated A$3,000.00 towarads the Sydney-Geneva-Sydney airfare and stay in Geneva. The cheques were issued directly to my Travel Agency and only roughly A$500 was left for my stay in Geneva.

I had request a total of about $4,200.00.

The budget covered:

a. Three weeks of accomodation
b. Meals
c. Transportation (taxi, bus and train)
d. Phone, faxes, mail.
e. Incidentals

All receipts are in my possession and may be made available to CAA and ACFOA upon request. They will be held for one year.

I renew my appreciation for the generous support I received from CAA and.

Sydney, 25 September 1991

Jose Ramos-Horta

ANNEX 1

INTERNATIONAL PROCEDURES

PROCEDURES OF THE COMMISSION ON HUMAN RIGHTS

Adrien-Claude Zoller

Over the years, the Human Rights Commission set up a number of procedures aiming to control the respect of international standards. These procedures are at the disposal of NGOs, even when they do not have consultative status. However, a great number of human rights defenders in the field are not informed of the exisitence of these procedures. A brief reminder of the principle mechanisms.

1. Participation at the sessions

NGOs in consultative status with ECOSOC have acquired a certain number of rights which enable them to be heard and to contribute to the work of the United Nations, be it to regard with standard setting or the supervisory mechanisms.

Consultative status

It is beyond the scope of this article to enter into any further detail in particular the special rights accorded to the organisations in category I or the distinction between NGOs in category II and those on the roster.[1]

In general, NGOs with consultative status can assist in all meetings of ECOSOC and its bodies, in particular the Commission on Human Rights and its Sub-Commission (Geneva), the UN Crime Congress and the Commission on the Status of Women (Vienna). They can also submit written or oral statements, which is very important for the debates within the subisdary organs of ECOSOC, in particular the Commission on Human Rights. Furthermore, NGOs can submit their proposals, information and complaints within the framework of the special procedures of the Commission on Human Rights and its Sub-Commission.

The Commission

The Commission on Human Rights is an organ of the Economic and Social Council (ECOSOC). Its annual session at the Palais des Nations in Geneva is an immense forum, during the course of which virtually every human rights issues is discussed. The Commission consists of 53 Member States. Dozens of other States and about a hundred non-governmental organisations (NGOs) also participate in this work.[2]

The issues described on the agenda of the Commission is nearly the same each year: the delegates have dozens of annual reports to examine, in particular that of the Sub-Commission, that on the Working Groups of the Commission (on minorities, enforced disappearances, human rights defenders, the mentally ill), and of the Special Rapporteurs and Representatives, of experts (Advisory Services Program) and of the U.N. Secretariat.

The Sub-Commission

The *UN Sub-Commission on the Elimination of Discrimination and the Protection of Minorities* is composed of 26 independent experts nominated by the commission for a period of four years. It meets annually in August at the Palais des Nations in Geneva.

The Sub-Commission is the principal sub-organ of the Commission on Human Rights and carries out work on behalf of this body. It acts as a think-tank by examining problems and obstacles to the realization of human rights and by drafting standards and principles.Most of the UN human rights declarations and conventions began their lives in the Sub-Commission.

The Sub-Commission also works as a catalyst: it examines the situation of human rights in the world and draws attention of the United Nations to serious human rights violations and to situations which have been neglected or forgotten.

The Sub-Commission has three Working Groups which meet before its session: the **Working Groups on Indigenous Populations**, on Contemporary Forms of **Slavery**, and on Communications. The former two attract hundreds of witnesses who come to Geneva to contribute to their discussions. The Working Group on **Communications** however meets in closed session.

Written and oral statements

For the Commission and Sub-Commission meetings, NGOs have the right to submit *written declarations*, which if judged acceptable by the Secretariat will be translated in the official languages and distributed as an official sessional document.[3]

With regard to **oral interventions**, each NGO has the right to make a speech of no more than 10 minutes under each agenda item. Each year, the number of NGO participants increases. This is why the UN Secretariat kindly invites NGOs to intervene only when they have a substantial contribution to make.

NGOs with no status

Not only NGOs with consultative status, but hundreds of other NGOs are associated with the work of the Commission and its Sub-Commission.

For several years now, representatives from all Organizations of indigenous peoples or working to protect indigenous rights can participate at the annu-

al sessions of the Working Group on **Indigenous Populations** (end of July).

Voluntary Funds for Indigenous Populations

Since 1985, the United Nations even have a *special fund* to cover the travel expenses of several indigenous representatives who wish to attend the annual session of the Working Group. It is a voluntary fund which has received contributions from the Governments of Australia, Canada, Finland, the Netherlands, Norway, Sweden, Switzerland, and of several NGOs.

The fund is administered by the Secretariat and Board of Trustees, composed of: Mr A. Willemsen Diaz (Guatemala), Chairman; Mr L. Danfjeld (Norway); Mr A. Sene (Senegal); Mr H. Tauroa (New Zealand); Mr D. Türk (Yugoslavia).

In 1988 and 1989, the fund provided travel grants to 27 and 39 indigenous representatives respectively. For 1990, it could only provide 21 travel grants. This can be explained, in part, by the fact that the extension of the meetings to two weeks increased the expenses considerably.[4]

The annual session of the group which is held in Geneva in July before the session of the Sub-Commission has thus become the largest forum of indigenous peoples.

Other bodies provide direct access for the victims and their relatives: the Working Group on and more recently , the Working Group on Slavery.

Slavery

When it adopted resolution 1991/58 on March 6, 1991, the Human Rights Commission decided to allow wider access to the Sub-Commission's Working Group on enforced or involuntary disappearances Contemporary Forms of Slavery.

From now on, not only NGOs with consultative status but also **all "organizations concerned"** can participate in the Working Group's deliberations. The subjects examined by the Working Group are numerous and varied: **slavery, debt boundage, forced labour, sexual exploitation, sale of children,** etc. This new provision will come into force during the Group's next meeting at the end of July 1991.

In the same resolution the Commission decided to propose the setting up of a **voluntary fund** to cover travel expenses of some non-governmental representatives. However, it will take time to set up such funds: first of all the decision has to be confirmed by several bodies superior to the United Nations. Then one would have to wait for the first voluntary donations.

2. The mechanisms of the Commission

a) Confidential procedure

The first procedure set up by the Commission on Human Rights was the confidential 1503 procedure named after the resolution of ECOSOC under which it was set up. In the case of gross and massive violations of human rights and fundamental liberties, any victim and any organisation has the right to submit a communication to the Secretariat of the United Nations.

Hundreds of thousands of complaints are thus submitted every year to the UN Centre of Human Rights in Geneva. They are first considered by the Sub-Commission. Five experts who are elected every year meet during two weeks before the session (July) and decide on the cases to be transmitted to the Sub-Commission. In a private session, the Sub-Commission then examines those cases brought to its attention (August) and decides which cases to be transmitted to the Commission.

In January of the following year, the working group on communications of the Commission meets. This group is composed of five states, selected every year. They prepare the recommendations for the Commission on all cases which have been submitted to them by the Sub-Commission. Finally, during its private session (March), the Commission takes decisions concerning the cases brought to its attention.

The introduction of this procedure in the work of the United Nations constituted at the time considerable progress. For the first time,States were directly accountable to this world organisation with regard to their human rights record, even if they did not subscribe to a more specific international obligation than the UN Charter. However, as time went by, the confidential procedure lost its attractiveness. Firstly, the procedure is lengthy. The Sub-Commission only considers a case, a copy of which has been transmitted by the UN Secretariat to the government concerned at least three months before the session of the Sub-Commission. Moreover, the entire procedure is confidential, which has led many member states of the Commission to vote according to their interests, contrary to their public statements.

The confidential procedure is however not useless. Almost 300'000 communications were submitted to the Un Centre for Human Rights in 1989, and in many cases, the work undertaken within the framework of the confidential procedure led to improvements in the situation.

b) Public procedures

The inconveniences of the confidential procedure are no doubt the reason why most of the NGOs prefer to use the public **procedures of the Commission**. These procedures have been introduced since the beginning of the 1980's. The Commission nominated Special Rapporteurs and Representatives, experts and working groups entrusted to study certain themes and certain situations and to submit a report with recommendations to each annual session.

The principal procedures include the following:

- *Working Group on Enforced Disappearances:* the working group is composed of five experts (one from each region). It is chaired by Mr. Ivan Tosevski (Yugoslavia), it meets three times a year and receives direct testimonies from witnesses and victims. Its annual report presents country by country statistics.
- *Special Rapporteur on Summary or Arbitrary Executions* (Mr. Amos Wako, Kenya): receives information and complaints concerning cases of extra-judicial killings.
- *Special Rapporteur on Torture* (Prof. Peter Kooijmans, Netherlands): receives information and complaints on case of torture and inhuman treatment.

The working group on disappearances and the special rapporteurs on torture and summary executions have undertaken several *field visits*. Their missions cannot take place without invitation from the government concerned, which limits their scope of action. However, it is the pressure of NGOs and from Member States of the Commission which often lead a government to invite one of these special rapporteurs

or a delegation of the working group (if only to avoid a condemnation by the Commission). These three procedures also include a mechanism for urgent action enabling the working group and the two rapporteurs to contact the authorities of the country concerned without delay, asking for explanations.

- *Working Group on Arbitrary Detention**

  This new procedure was decided by the Commission during the 1991 session. The Working Group will be made up of five experts (one from each region). It will investigate "on the cases of arbitrary detention or with cases that are incompatible with international standards mentioned in the Universal Declarations of Human Rights or in the instruments of international law accepted by the states concerned."

  Just like the Working Group on enforced disappearances, the Working group on detention will be authorized to receive communications, not only from NGOs with a status but also from victims, their families and witnesses.
- *Special Rapporteur on Religious Intolerance* (Mr. Angelo Vidal d'Almeida Ribeiro, Portugal).
- *Special Rapporteur on Mercenaries* (Mr. Enrique Bernales Ballestreros, Peru)
- *Special Rapporteur on the Sale of Children* (Mr. Vittit Muntarbhorn, Thailand)
- *Group of Experts on Southern Africa*
- *Group of Experts on Israeli practices in the Occupied Territories*
- *Special Rapporteur on the situation in Afghanistan* (Mr. Felix Ermacora, Austria)
- *Special Rapporteur on Iraq* *
- *Special Rapporteur on Kuwait under Iraqi Occupation* *
- *Special Rapporteur on Iran* (Mr. Galindo Pohl, El Salvador)
- *Special Representative on El Salvador* (Mr. José Antonio Pastor Ridruego, Spain)
- *Special Representative on Guatemala* (Mr. Christian Tomuschat, Germany)
- *Special Representative on Cuba* *
- *Expert on Haiti* *
- *Expert on Burma* (in confidential procedure *)
- *Expert on Equatorial Guinea* (Mr. Fernando Volio Jimenez, Costa Rica).

(all these experts will be nominated in the coming weeks.)*

All these experts can receive communications from governmental and **non-governmental** sources. As one can imagine, states are cautious and rarely denounce other states. Thus most of the information concerning violations, and which provides the basis for the analysis by experts, comes from NGOs. It is clear that none of the procedures of the Commission would operate without the contribution of NGOs.

3. Submission of communications

The Commission procedures are varied. Each Rapporteur's mandate is different. It is determined by the wording of the resolution which the Commission adopts every year. Nevertheless, for the preparation of communications, the following elements are taken into account:

- **delays**

All reports are submitted to the Commission. It holds its annual meeting at the end of January. In general, the Rapporteurs write up their reports in December. To be sure that the communication will be taken into consideration one should write to them **before the end of November.** As for the Working Groups (disappearances, detention), the delay for their report is even earlier.

- **address**

It is essential to print the name of the procedure and if possible the name of the Rappporteur, for example:

Special Rapporteur on Torture
Professor P. Kooijmans
Human Rights Centre
Palais des Nations
1211 Geneva 10

- **presentation of information**

The author of the communication has to respect the standards. It is important that the document should be well written. It should include the important analyses and enhance concrete cases. The day, hour, place, names of witnesses, etc are all very important.

- **reading of the reports**

The reading of the report submitted in the previous session by the Rapporteur to be contacted is also very important. It reveals the Commission's working mechanisms, interests and deficiencies. With the exception of the confidential procedures, all reports are published and can be ordered from the United Nations.

- **confidentiality**

Communications are transmitted to the Member States for comments, even for explanations for the State concerned. In the transmission of the communication, the author has to be careful if he does not want the names of the victims and witnesses to be given to the State in question.

May 10, 1991
Adrien-Claude Zoller

1) The text of these provisions can be found in resolution 1296 (XLIV) of ECOSOC on March 23, 1968 (the whole text of resolution 1296 was published by the International Service for Human Rights in its *Orientation Manual*).
2) To take part in sessions of the Commission and its Sub-Commission, non-governmental representatives have to be appointed by their NGOs. The NGO headquarters has to send their credentials to the NGO Liaison Office: Miss. Raymonde Martineau, Palais des Nations, 1211 Geneva 10. The letter has to indicate clearly for which session the representatives have been appointed.
3) These declarations must be submitted to the Human Rights Centre, Mr. John Pace, Palais des Nations, 1211 Geneva 10.
4) For 1991, requests for travel grants should be sent each year before 31 March 1991 to Mr Julian Burger, Centre for Human Rights, Palais des Nations, 1211 Geneva 10.

Members of the Sub-Commission

- **Africa - 7 members**

Miss J.S. Attah (Mrs. C.E. Mbonu)	Nigeria
Mr. El Hadj Guissé (Mr. Ndary Touré)	Senegal
Mr. Aidid Abdillahi Ilkahanaf (Mr. Mohamed Isa Turunji)	Somalia
Mr. Ahmed Khalifa (Mr. Khalil)	Egypt
Mrs. Fatima Zohra Ksentini (Mrs. Farida Aiouaze)	Algeria
Mrs. Halima Embarek Warzazi (Mr. Mohamed Laghmari)	Morocco
Mr. Fisseha Yimer	Ethiopia

- **Asia - 5 members**

Mr. Awn Shawkat Al-Khasawneh (Mr. Waleed M. Sadi)	Jordan
Mrs. Mary Concepcion Bautista (Mrs. Haydee B. Yorac)	Philippines
Mr. Ribot Hatano (Mr. Yozo Yokota)	Japan
Mr. Tian Jin (Mr. Zhan Daode)	China
Mr. Rajindar Sachar	India

- **Eastern Europe - 3 members**

Mr. S. Valentinovich Chernichenko (Mr. T. Otarovich Ramishvili)	Soviet Union
Mr. Ion Diaconu (Mr. Ioan Maxim)	Romania
Mr. Danilo Türk (Mrs. Lidija R. Basta)	Yugoslavia

- **Latin America - 5 members**

Mr. Miguel Alfonso Martinez (Mr. Julio Heredia Peres)	Cuba
Mr. Leandro Despouy (Mr. Juan Carlos Hitters)	Argentina
Mr. Claude Heller (Mr. Hector Fix Zamudio)	Mexico
Mr. Rafaël Rivas Posada (Mr. Eduardo Suescun Monroy	Columbia
Mr. Gilberto Vergne Saboia (Mrs. M. Zelner Gonçalves)	Brazil

- **Western Europe and Other Countries - 6 members**

Mr. Theodoor C. Van Boven (Mr. Cornelis Flinterman)	Netherlands
Mrs. Erica-Irene A. Daes	Greece
Mr. Asbjorn Eide (Mr. Jan Helgesen)	Norway
Mr. Louis Joinet (Mr. Alain Pellet)	France
Mrs. Claire Palley (Mr. John Merrills)	Great Britain
Mr. William W. Treat (Mr. John Carey)	United States

jects that were examined in the past (ie. the convention on **genocide**), on the subjects examined every two years by the Sub-Commission (ie. **human rights and technology, state of ratifications** of conventions). Reports on these subjects will be discussed:

- **traditional practices** affecting women's health (Mrs. Warzazi)
- discrimination against persons suffering from **AIDS** (Mr. Varela Quiros)
- **the right to compensation** for victims of gross violations (Mr. Van Boven)
- **freedom of expression** (Mr. Joinet and Mr. Turk)
- human rights and the **environment** (Mrs. Ksentini).

A major question in the debate on reform of the Sub-Commission is the structure of the agenda. Point 4 is a discussion on general opnions. Eventual measures of reform could lead to the discussion of the different reports mentioned above under other items on the agenda.

5. Elimination of racial discrimination

Important documents will be submitted to the Sub-Commission, eg. Mr. Khalifa's (Egypt) on *military and economic assistance in South Africa* (particularly the list of corporations concerned). The Secretary-General will present an "outline of possible activities for increasing the effectiveness of the United Nations' action in combatting racism".

On the other hand, following the recommendations of the Special Rapporteur Mr. Asbjorn Eide, a report will be presented with a view to modifing Mr. Herman Santa Cruz's **edited study on racial discrimination** which was written in 1976.

Finally, last year, the Sub-Commission decided to hold a working session with the Committee for the Elimination of Racial Discrimination (CERD). The exchange of ideas will take place during the 43rd session.

6. Human rights violations

An examination of gross human rights violations in the world. Any situation may be presented. It will be recalled that last year the Sub-Commission adopted resolutions concerning the following countries: **South Africa, Israeli occupied territories, El Salvador, Guatemala, East Timor, Iraq, Iran, occupied Kuwait and Lebanon.**

ANNEX II

Draft resolution.

1991/. The Situation in East Timor

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, and the universally-accepted rules of international humanitarian law,

Noting the changing international situation which is conducive to dialogue and negotiations as the most effective way of resolving local, national and inter-State disputes in order to gurantee full respect for human rights,

Recalling General Assembly resolution 37/30 of 23 November 1982 which mandated the Secretary-General to use his good-offices to bring about a comprehensive settlement of the problem of East Timor,

Recalling also Security Council resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976 reaffirming the right of the people of East Timor to self-determination and calling on the Government of Indonesia to withdraw all its forces from East Timor without delay,

Mindful of the danger of escalating violence when parties to a dispute refuse to comply with the mandatory Security Council resolutions as witnessed in the recent Gulf crisis,

Encouraged by the recent agreement between the governments of Portugal and Indonesia on a multi-party Portuguese parliamentary mission to visit East Timor in the conext of General Assembly resolution 37/30,

Encouraged by the announcement by the Government of Indonesia that the Special Rapporteur on Torture of the Commission on Human Rights has been invited to visit the occupied territory of East Timor before the end of this calendar year,

Concerned, however, at the continuing deterioration of the human rights situation in East Timor as amply substantiated by a wide range of independent reports and eyewitnesses personal accounts,

Regretting that access to the territory of East Timor is still denied to independent human rights agencies,

1. Reaffirms the right of the people of East Timor to self-determination as enshrined in the International Bill of Rights and General Assembly resolutions 1514 (XV) and 1541 (XV) and Security Council resolutions 384 (1975) and 389 (1976);

2. Welcomes the good-offices of the Secretary-General as mandated by the General Assembly Res. 37/30 of 23 November 1982 and encourages all parties, the Governments of Portugal and Indonesia as well as the legitimate representatives of the people of East Timor to conitnue to cooperate fully with the Secretary-General in discharging his responsibilities;

3. Commends the announcement by the Government of Indonesia that the Special Rapporteur on Torture nominated by the Commission on Human Rights has been invited to visit the occupied territory of East Timor before ~~of~~ the end of the calendar year of 1991;

4. Encourages the Government of Indonesia to continue to display its good faith by extending the same invitation to independent human rights organizations to visit East Timor without restrictions in their movement and contacts with local people and institutions;

5. Welcomes the reported statement by the Indonesian-appointed Governor of East Timor that a referednum on the status of the territory is necessary;

6. Recommends to the Commission on Human Rights that it consider, at its forty-eight session, the situation pertaining to human rights and fundamental freedoms in East Timor and, to this purpose, asks the Secretariat to transmit to the Commission and to the Sub-Commission, at its fourty-four session, all avaliable information received.

ANNEX II

Chers Collègues

Cette année, comme dans les années précédentes quelques experts, préoccupés avec la situation des droits de l'homme au Timor Oriental, ont pris l'initiative de présenter une résolution.

Ayant pris connaissance de cette initiative et vu les récents déceloppments qui se sont produits, je me suis permis d'intervenir auprès des interessés pour essayer de trouver une solution de consensus.

C'est ainsi que, tenant compte des développments vérifiés au cours du processus de consultation engagé par le Secrétaire Géneral des Nations Unies, qui ont permis déjà d'aboutir à un accord de principe relatif à l'envoi d'une Mission Parlementaire Portugaise pour visiter le Timor Oriental et tenant compte surtout de l'annonce faite devant la Sous Commission de l'invitation adressée au Rapporteur Spécial de la Commission des Droits de l'Homme sur la Torture pour visiter le Timor Oriental, mission qui permettra de contribuer à une connaissance plus profonde de la situation y existante,

Je me dois de vous informer que le projet de résolution n'a pas été présenté, ceci comme un geste d'encouragement à cet esprit d'ouverture et pour faciliter la tâche du Rapporteur Spécial de la Commission des Droits de l'Homme sur la Torture.